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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 December 2008 and 17 February 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>19-50 and 61-66</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>19-50 and 61-66</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/11/08 and 2/17/09</u>

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   The amendment (received 12/11/08 and 2/17/09) amends claims 19, 32, 37, 47 and 61.

Thus, examination continues regarding claims 19-50 and 61-66, as amended.

Claim Interpretation

2.   Per MPEP 2111.04, claim scope is not limited by claim language that suggests or makes

optional but does not require steps to be performed, or by claim language that does not limit a

claim to a particular structure. However, examples of claim language, although not exhaustive,

that may raise a question as to the limiting effect of the language in a claim are (A) "adapted to"

or "adapted for" clauses, (B) "wherein" clauses, and (C) "whereby" clauses. The determination

of whether each of these clauses is a limitation in a claim depends on the specific facts of the

case. In Hoffer v. Microsoft Corp., 405 F.3d 1326, 1329, 74 USPQ2d 1481, 1483 (Fed. Cir.

2005), the court held that when a "whereby' clause states a condition that is material to

patentability, it cannot be ignored in order to change the substance of the invention." Id.

However, the court noted (quoting Minton v. Nat 'l Ass 'n of Securities Dealers, Inc., 336 F.3d

1373, 1381, 67 USPQ2d 1614, 1620 (Fed. Cir. 2003)) that a "whereby clause in a method claim

is not given weight when it simply expresses the intended result of a process step positively

recited.'" Id. In this case, the 'wherein' clauses of claims 21-22, 24, 26-30, 42, 46, 48-50, and

64-66 merely state an environment of use, or intended result or the clause fails to state a

condition material to its patentability as provided in further evidence below.

3.   Per MPEP 2114, while features of an apparatus may be recited either structurally or

functionally, claims directed to an apparatus must be distinguished from the prior art in terms of

structure rather than function. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference); see also *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 228-29 (CCPA 1971); *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). "[A]pparatus claims cover what a device *is*, not what a device *does*." *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990) (emphasis in original). In this case, the process claimed fails to distinguish over structure of references performing same function for same purpose as in evidence in holdings.

Claim Rejections - 35 USC § 102

4.   Claims 19-50 and 61-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells (6219836, 6488585, 6805634). This holding is maintained from prior Office action mailed Aug 7, 2008 for cited claims as amended. Response to Applicant/Counsel arguments is provided below and incorporated herein.

        The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Wells ('836, '585 and '634) each incorporates by reference Pease ('102, '887). Wells
'836 incorporates by reference Wells '585 and '634; Wells '634 incorporates by reference Wells
'585; while, Wells '585 incorporates by reference Wells '836.

Wells '634 discloses a method and apparatus for downloading data teaching a gaming
machine (ref 112) comprising: a first combination of game software components (abstract, 1:16-
60, 4:49-6:65; 10:54-11:4, 13:20), said first combination comprising a plurality of game software
components (sic); a master gaming controller designed or configured to present a game on the
gaming machine using the first combination of game software components (1:16-41,
microprocessor, ref 122, 1110); a network interface for communicating with a remote server and
receiving game software components from said remote server and including a modem and
including those instances that WAN is internet (fig 1A-5, ref 124, 322, 1114, 1122, as evidence
only per MPEP 2131.01, see definition of WAN from wikipedia.com, sic, and see Internet
Basics: 'How information travels online', 'What happens when you go online', 'Making the
online connection' and 'How to download files'); processor logic for combining game software
components from said first combination with game software components received from said
remote server to generate a second combination of game software components wherein said
second combination is used to present a game on the gaming machine (abstract, 1:16-41, 1:48-
67, 3:23-26, 30-33, 48-67, 4:8-21, 6:63-65, 10:54-11:4, 13:20, figs 1A-5, i.e. repairing or update
gaming terminal software when taken as a whole as interpreted by an artisan at a time prior to
invention includes patching, repairing, modifying or adding new content to game software, pay
table(s), or bonus game, to accommodate new games, regulatory changes, correct bugs or other
programming errors or install new features), a memory storing a plurality of game software

components wherein the memory is selected from the group consisting of an EPROM, a flash

memory a ROM, a RAM, a CD, a DVD, a tape drive, a hard drive and a non-volatile memory

(1:16-41, 3:48-67, 4:8-21, 59-61, 5:24-27, 7:16-20, figs 1A-5, ref 1112, 1116), wherein at least

one of the plurality of game software components stored in said memory is used to generate the

second combination game software components (1:16-41, 6:63-65, 10:54-11:4, figs. 1A-5,

implicit game program(s) and peripherals make up components to provide game at game

machine whereby to replace or supplement or repairing the gaming terminal software when taken

as a whole as interpreted by an artisan at a time prior to invention includes updating game or

gaming software/components to accommodate new games, regulatory changes, correct bugs or

other programming errors or install new features, sic), a memory storing game software version

information for a plurality of game software components (1:16-41, 6:63-65, 8:36-67, 12:3-16,

figs 1A-5, implicit), wherein the remote server is a gaming terminal data repository (figs. 1A-5,

ref 114, 116, 466, 468, 484, 488, 1108), a firewall (ref 452), wherein the game software

components are selected from the group consisting of game system components, game paytables,

game bonus, game progressives, game graphics, game sounds, game jurisdiction information,

game networking components (1:16-41, 1:61-2:17, 3:23-26, 30-33, 48-67, 4:49-6:65, 7:16-20,

8:7-10, 10:49-11:4, 12:3-28, 13:20, figs. 1A-5, implicit for gaming machine providing game(s) to

play), wherein the network interface is a wireless network interface or a wired network interface

(4:49-5:65, 6:14-65, 12:52-64), wherein the network interface is configured to allow connection

of the gaming machine to an internet network or an intranet network where WAN is internet or

intranet or where LAN is an intranet (1:16-41, 3:23-26, 30-33, 48-67, 4:49-5:65, 6:14-65, 12:52-

64; implicit since WAN includes internet or intranet; while, LAN includes intranet, sic), wherein

the intranet network is selected from the group consisting of a cashless system network, a

progressive game network, an accounting network and a bonus game network (1:16-41, 3:23-26,

30-33, 48-67, 4:8-21, 4:49-6:65, 8:7-10, 10:54-11:4, figs. 1A-5), wherein the game is a video

bingo game, a video lottery game, a video black jack game, a video slot game, a mechanical slot

game, a video poker game, a video keno game, a video pachinko game, a video game of chance

and a video card game (1:16-41, 13:20), also, in a remote server (fig. 1A-5, ref 114, 116, 466,

468, 484, 488, 1108), a method of modifying game play on a plurality of gaming machines

(abstract, 1:16-41, 1:61-2:17, 3:23-26, 30-33, 48-67, 4:8-21, 4:49-6:65, 10:54-11:4, 13:20, fig

1A-5), the method comprising: determining that a configuration update has been triggered (1:16-

41, 1:61-2:17, 2:55-57, 3:23-26, 30-33, 3:48-67, 4:8-20, 4:49-6:65, 7:16-53, 10:54-11:4, 13:20,

figs 1A-5); establishing communications with the gaming machine (step 206); identifying one or

more game software components for the configuration update on the gaming machine (abstract,

1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:49-6:65, 10:54-11:4, 11:30-12:28, 13:20, figs

1A-5); bundling the game software components (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-

67, 4:8-21, 4:49-6:65, 9:25-65, 10:54-11:4, 13:20, figs 1A-5 and discussion transmitting or

downloading information or data in block fashion that is bundling of the data/information to be

downloaded, as evidence only under MPEP 2131.01 see Internet Basics: 'How information

travels online', 'What happens when you go online', 'Making the online connection' and 'How

to download files'); and sending the game software components to the gaming machine wherein

said game software components are used to present a game on the gaming machine (abstract,

1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 9:25-11:4, 11:30-12:16, 13:20, figs

1A-5); further comprising prior to sending the game software components, contacting a local ISP

and sending the game software components via the local ISP (abstract, 1:16-41, 1:48-67, 3:23-

26, 30-33, 48-67, 4:8-21, 4:59-6:65, 10:54-12:28, 13:20, figs 1A-5, implicit where WAN

includes internet, noteworthy is customer order over network that further suggests internet),

looking up an IP address of said one or more gaming machines (abstract, 1:16-41, 1:48-67, 3:23-

26, 30-33, 48-67, 4:8-21, 4:59-6:65, 10:54-12:28, 13:20, figs 1A-5, implicit use of TCP/IP

protocol and address of game machine for identification for communication where WAN is

internet), encapsulating said game software components in multiple information packets (refer to

data blocks and bundling above), encrypting said game software components (abstract, 1:16-41,

1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 8:12-12:28, 13:20, figs 1A-5), generating

instructions for configuring the game software components and sending said instructions with

said game software components (12:3-16, information file is instruction, implicit, program

includes remarks as instructions in readme file, as evidence only under MPEP 2131.01 see

documentation section in Internet Basics: 'How to download files' or, see Marron 5359730,

abstract; programs typically include such remarks/instruction for guidance of use or of changes

in update/patch notes that is hornbook engineering for programming a change/update as to be

implicitly included), requesting game software component version information from the gaming

machines and receiving the game software component version information from the gaming

machine (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 8:36-9:10, 10:54-

12:28, 13:20, figs 1A-5), receiving game transaction information from the gaming machines and

storing said game transaction information (5:6-14, 8:7-10), storing said game transaction

information according to one or more game data categories wherein the game data categories are

selected from the group consisting of game version data, game data, gaming terminal data, player

data, route data and venue data (implicit, requirement for tracking credit or game activity

according to credit or game type, basic accounting practice), prior to storing said game

transaction information, determining access privileges for said game transaction information

(implicit as required for credit tracking that entails setting access rights, as evidence only see

Pease 5326104 at 18:4-6, 58-63, 19:32-45, 21:15-22:3, 25:29-33,28:13-31:43), prior to storing

said game transaction information, performing one or more operations on said game transaction

information (5:6-14, 8:7-10, implicit, as per requirement for tracking credit or game play activity

so as to associate credit with game played and sum new value with prior value as basic

accounting), determining a data storage partition from among a plurality of data storage

partitions for storing said gaming transaction information wherein the plurality of data storage

partitions correspond to a plurality of gaming entities where the plurality of gaming entities is

players such as for player tracking for compensation in a loyalty program (5:6-14, 8:7-10, as

evidence only under MPEP 2131.01 regarding partitioning accounting data for player tracking in

a loyalty program see either Acres 5655961 or Boushy 5761647), checking a list of update

triggers selected from a group consisting of an update time, an update day, an update week, a

game event, a game performance event and a player input (abstract, 1:16-41, 1:48-67, 3:23-26,

30-33, 48-67, 4:8-21, 4:59-6:65, 8:36-9:10, 10:54-12:28, 13:20, figs 1A-5), further in a gaming

machine (13:20, ref 112, 1102), a method of updating game software components (abstract, 1:16-

41, 1:48-67, 3:23-26, 30-33, 48-67, 4:59-6:65, 10:54-12:28, fig 1A-5), the method comprising:

establishing communications with a remote server (step 206); receiving one or more game

software components from said remote server (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67,

4:8-21, 4:59-6:65, 8:36-9:10, 10:54-12:28, 13:20, figs 1A-5); unbundling said one or more game

software components (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 8:36-9:10, 10:54-12:28, 13:20, figs 1A-5 and discussion throughout regarding transmitting data in block fashion that data block is unbundled at receiving gaming machine, as evidence only under MPEP 2131.01 see Internet Basics: 'How information travels online', 'What happens when you go online', 'Making the online connection' and 'How to download files'); generating a combination of game software components wherein said combination of game software components comprising a plurality of game software components including the one or more game software components received from said remote server (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 8:36-9:10, 10:54-12:28, 13:20, figs 1A-5); and presenting a game play using the combination of game software components (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 4:59-6:65, 8:36-9:10, 10:54-12:28, 13:20, figs 1A-5). Wells '634 anticipates claimed invention at least based on evidence above (sic) due to a downloading of software replacement or supplement to game device by happenstance includes to replace or supplement first graphics with second graphics, to replace or supplement first sound with second sound and game system components so as to provide features or new games or correct programming errors (1:18-65). Wells '634 discloses a gaming system and method comprising claimed features/steps including first/second graphics, first/second sound and game system components due to Wells '634 including @ 1:15-60, 3:23-26 and 30-33 stating in part 'software or firmware may be provided to replace or supplement the software or firmware in a gaming device which is in operation (in the field), e.g. features, new games and the like, and/or to correct programming errors' as well as involve changing features of a game such as upgrading or adding a bonus game or similar feature to a gaming terminal @ 11:1-3 that thereby includes first game

graphics, first game sound and game system components', 'second game graphics and second

game sounds' by happenstance of the replacement or supplemental update being downloaded.

Wells '634 updates software due to monitoring use and performance @ 5:6-13 at least to provide

aforementioned new bonus game(s), features, new games and/or to correct programming errors

where at least correcting programming errors relates to performance. Also, an artisan would

interpret Wells '634 monitoring use and performance for upgrading a gaming terminal to provide

a new bonus game, new features, new games and/or correct programming errors as performing

function of claims 32-50.

     Similarly, Wells '836 incorporates by reference Wells '634 and Pease patents and thus

anticipates claimed invention at least based on evidence above (sic). Further, Wells '836

discloses a method and apparatus for downloading data teaching a gaming machine (ref 112,

486) comprising: a first combination of game software components (abstract, 1:18-43, 2:53-56,

3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16), said first combination comprising a plurality of game

software components (sic); a master gaming controller designed or configured to present a game

on the gaming machine using the first combination of game software components (1:18-43,

microprocessor, ref 122, 128, 1110); a network interface for communicating with a remote server

and receiving game software components from said remote server and including a modem at

least due to computer/communication boards include a modem for remote communication

(abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16, fig 1A-4, ref 124); processor

logic for combining game software components from said first combination with game software

components received from said remote server to generate a second combination of game

software components wherein said second combination is used to present a game on the gaming

machine (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16), a memory storing a

plurality of game software components wherein the memory is selected from the group

consisting of an EPROM, a flash memory a ROM, a RAM, a CD, a DVD, a tape drive, a hard

drive and a non-volatile memory (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 8:50-9:16, figs

1A-4), wherein at least one of the plurality of game software components stored in said memory

is used to generate the second combination game software components (abstract, 1:18-43, 2:53-

56, 3:5-9, 5:27-7:5, 8:50-9:16, implicit game program(s) and peripherals make up components to

provide game at game machine whereby to replace or supplement the gaming terminal software

when taken as a whole as interpreted by an artisan at a time prior to invention includes updating

game software/components to accommodate new games, regulatory changes, bonus game,

correct bugs or other programming errors or install new features, sic), a memory storing game

software version information for a plurality of game software components (abstract, 1:18-43,

2:53-56, 3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16, implicit), wherein the remote server is a gaming

terminal data repository (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16, figs.

1A-4), a firewall (figs 1A-4, implicit where network includes internet for remote customer

orders, as evidence only, see Internet Basics: 'How information travels online', 'What happens

when you go online', 'Making the online connection' and 'How to download files'), wherein the

game software components are selected from the group consisting of game system components,

game paytables, game bonusing, game progressives, game graphics, game sounds, game

jurisdiction information, game networking components (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-

4:49, 5:27-7:5, 8:50-9:16, figs. 1A-4, implicit for gaming machine providing game(s) to play),

wherein the network interface is a wireless network interface or a wired network interface

(abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16, figs. 1A-4), wherein the

network interface is configured to allow connection of the gaming machine to an internet

network or an intranet network (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16,

figs. 1A-4; implicit since network for remote customer order includes internet or intranet, sic),

wherein the intranet network is selected from the group consisting of a cashless system network,

a progressive game network, an accounting network and a bonus game network (abstract, 1:18-

43, 2:53-56, 3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16, figs. 1A-4), wherein the game is a video bingo

game, a video lottery game, a video black jack game, a video slot game, a mechanical slot game,

a video poker game, a video keno game, a video pachinko game, a video game of chance and a

video card game (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16, figs. 1A-4),

also, in a remote server (fig. 1A-4, ref 466, 468, 484, 488), a method of modifying game play on

a plurality of gaming machines (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16,

figs. 1A-4), the method comprising: determining that a configuration update has been triggered

(abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16, figs. 1A-4); establishing

communications with the gaming machine (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24,

6:39-7:5, 8:50-9:16, figs. 1A-4); identifying one or more game software components for the

configuration update on the gaming machine (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 5:27-

7:5, 8:50-9:16, figs. 1A-4); bundling the game software components (abstract, 1:18-43, 2:53-56,

3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 7:16-35, 8:50-9:16, figs. 1A-4 where discussion of

downloading information or data in block fashion is bundling of the data/information to be

downloaded, as evidence only under MPEP 2131.01 see Internet Basics: 'How information

travels online', 'What happens when you go online', 'Making the online connection' and 'How

to download files'), and sending the game software components to the gaming machine wherein

said game software components are used to present a game on the gaming machine (abstract,

1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16, figs. 1A-4); further comprising prior to

sending the game software components, contacting a local ISP and sending the game software

components via the local ISP (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16,

figs. 1A-4, implicit where network includes internet, noteworthy is remote customer order over

network that further suggests internet), looking up an IP address of said one or more gaming

machines (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 5:27-7:5, 8:50-9:16, figs. 1A-4, implicit

use of TCP/IP protocol and address of game machine for identification in communication over

network), encapsulating said game software components in multiple information packets (refer to

data blocks and bundling above), encrypting said game software components (implicit for

communicating to an existing machine over network for security, abstract, 1:18-43, 2:53-56, 3:5-

9, 3:61-4:49, 5:27-7:5, 8:50-9:16, figs. 1A-4), generating instructions for configuring the game

software components and sending said instructions with said game software components (8:50-

9:16, descriptor file is instruction, implicit, program includes remarks as instructions in readme

file, as evidence only under MPEP 2131.01 see documentation section in Internet Basics: 'How

to download files' or, see Marron 5359730, abstract; programs typically include such

remarks/instruction for guidance of use or of changes in update/patch notes that is hornbook

engineering for programming a change/update as to be implicitly included), requesting game

software component version information from the gaming machines and receiving the game

software component version information from the gaming machine (abstract, 1:18-43, 2:53-56,

3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 7:54-67, 8:16-25, 8:50-9:16, figs. 1A-4), receiving game

transaction information from the gaming machines and storing said game transaction information
(4:21-27), storing said game transaction information according to one or more game data
categories wherein the game data categories are selected from the group consisting of game
version data, game data, gaming terminal data, player data, route data and venue data (implicit,
requirement for tracking game or credit activity according to credit or game type, basic
accounting practice), prior to storing said game transaction information, determining access
privileges for said game transaction information (implicit as required for credit tracking that
entails setting access rights, as evidence only see Pease 5326104 at 18:4-6, 58-63, 19:32-45,
21:15-22:3, 25:29-33,28:13-31:43), prior to storing said game transaction information,
performing one or more operations on said game transaction information (4:21-27, implicit, as
per requirement for tracking credit or game play activity so as to associate credit with game
played and sum new value with prior value as basic accounting), determining a data storage
partition from among a plurality of data storage partitions for storing said gaming transaction
information wherein the plurality of data storage partitions correspond to a plurality of gaming
entities where the plurality of gaming entities is players such as for player tracking for
compensation in a loyalty program (4:21-27, as evidence only under MPEP 2131.01 regarding
partitioning accounting data for player tracking in a loyalty program see either Acres 5655961 or
Boushy 5761647), checking a list of update triggers selected from a group consisting of an
update time, an update day, an update week, a game event, a game performance event and a
player input (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-
4), further in a gaming machine (ref 112), a method of updating game software components
(abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4), the

method comprising: establishing communications with a remote server (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 8:50-9:16, figs. 1A-4); receiving one or more game software components from said remote server (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 7:54-67, 8:16-25, 8:50-9:16, figs. 1A-4); unbundling said one or more game software components (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 7:54-67, 8:16-25, 8:50-9:16, figs. 1A-4 and discussion throughout regarding transmitting data in block fashion that data block is unbundled at receiving gaming machine, as evidence only under MPEP 2131.01 see Internet Basics: 'How information travels online', 'What happens when you go online', 'Making the online connection' and 'How to download files'), generating a combination of game software components wherein said combination of game software components comprising a plurality of game software components including the one or more game software components received from said remote server (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 7:54-67, 8:16-25, 8:50-9:16, figs. 1A-4); and presenting a game play using the combination of game software components (abstract, 1:18-43, 2:53-56, 3:5-9, 3:61-4:49, 6:21-24, 6:39-7:5, 7:54-67, 8:16-25, 8:50-9:16, figs. 1A-4). Wells '836 discloses a gaming machine, method teaching claimed invention including first/second graphics, first/second sound and game system components due to Wells including @ 1:18-65 stating in part 'software or firmware may be provided to replace or supplement the software or firmware in a gaming device which is in operation (in the field), e.g. features, new games and the like, and/or to correct programming errors' that thereby includes first game graphics, first game sound and game system components', 'second game graphics and second game sounds' by happenstance of the replacement or supplemental update being downloaded

Wells '585 incorporates by reference Wells '836 and Pease patents and thus anticipates

claimed invention at least based on evidence above (sic) due to a software replacement or

supplement to game device by happenstance includes first/second graphics, first/second sound

and game system components to replace or supplement by providing features, new games or

correct programming errors (1:15-60).

5.   Claims 19-22, 24, 26-32, 40-41, 44, 47-50, 61, and 63-66 are rejected under 35

U.S.C. 102(e) as being anticipated by Joshi (6939226). Joshi discloses a gaming machine and

method for updating gaming machine to provide thematic seasonal, holiday or other societal

event and/or sounds and/or adjusting paytables (abstract, 1:56-2:51, figs 1-17) comprising a first

combination of game software components (abstract, 1:56-2:51, 9:9-15:43, figs 1-17), said first

combination comprising a plurality of game software components including first game graphics,

first game sounds and game system components (abstract, 1:56-2:51, 9:9-15:43, figs 1-17), a

master gaming controller designed or configured to present a game on the gaming machine using

the first combination of game software components (abstract, 1:56-2:51, 9:9-15:43, figs 1-17, ref

152), a network interface for communicating with a remote server and receiving game software

components from said remote server including second game graphics and second game sounds

(abstract, 1:56-2:51, 9:9-15:43, figs 1-17), processor logic for combining game software

components from said first combination including the game system components with game

software components received from said remote server to generate a second combination of

game software components including the second game graphics and the second game sounds

wherein said second combination is used to present a game on the gaming machine (abstract,

1:56-2:51, 9:9-15:43, figs 1-17), a memory storing a plurality of game software components

wherein the memory is selected from the group consisting of an EPROM, a flash memory a

ROM, a RAM, a CD, a DVD, a tape drive, a hard drive and a non-volatile memory (abstract,

1:56-2:51, 4:29-36, 9:9-15:43, figs 1-17, ref 152), wherein at least one of the plurality of game

software components stored in said memory is used to generate the second combination game

software components (abstract, 1:56-2:51, 9:9-15:43, figs 1-17), wherein the remote server is a

gaming terminal data repository (ref 152), wherein the game software components are selected

from the group consisting of game system components, game paytables, game bonusing, game

progressives, game graphics, game sounds, game jurisdiction information, game networking

components (abstract, 1:56-2:51, 9:9-15:43, figs 1-17), wherein the network interface is a

wireless network interface or a wired network interface (abstract, 1:56-2:51, 9:9-15:43, figs 1-

17), wherein the network interface is configured to allow connection of the gaming machine to

an internet network or an intranet network where LAN is an intranet (abstract, 1:56-2:51, 9:9-

15:43, figs 1-17), wherein the intranet network is selected from the group consisting of a cashless

system network, a progressive game network, an accounting network and a bonus game network

(abstract, 1:56-2:51, 9:9-15:43, figs 1-17), wherein the game is a video bingo game, a video

lottery game, a video black jack game, a video slot game, a mechanical slot game, a video poker

game, a video keno game, a video pachinko game, a video game of chance and a video card

game (abstract, 1:56-2:51, 9:9-15:43, figs 1-17), a modem (abstract, 1:56-2:51, 9:9-15:43, figs 1-

17; as evidence only per MPEP 2131.01, see definition of WAN from wikipedia.com regarding

computer networking and see Internet Basics: 'How information travels online', 'What happens

when you go online', 'Making the online connection' and 'How to download files', essentially,

communicating remote between server and gaming machine includes a modem by happenstance

of use for network communication), also, in a remote server (abstract, 1:56-2:51, fig. 1-17), a

method of modifying game play on a plurality of gaming machines (abstract, 1:56-2:51, 9:9-

15:43, figs 1-17), comprising monitoring game performance including coin-in of a first game

played on a gaming machine (abstract, 1:56-2:51, 9:9-15:43, figs 1-17), determining that a

configuration update has been triggered based upon at least the game performance of the first

game (abstract, 1:56-2:51, 9:9-15:43, figs 1-17), establishing communications with the gaming

machine (abstract, 1:56-2:51, 9:9-15:43, figs 1-17), identifying one or more game software

components for the configuration update on the gaming machine that enables a second game to

be played on the gaming machine in so far as changing theme and/or pay table alters game to be

a second game (abstract, 1:56-2:51, 9:9-15:43, figs 1-17), bundling the game software

components (abstract, 1:56-2:51, 9:9-15:43, figs 1-17; as evidence only under MPEP 2131.01 see

Internet Basics: 'How information travels online', 'What happens when you go online', 'Making

the online connection' and 'How to download files'), sending the game software components to

the gaming machine wherein said game software components are used to present a game on the

gaming machine (abstract, 1:56-2:51, 9:9-15:43, figs 1-17), receiving game transaction

information from the gaming machines and storing said game transaction information (abstract,

1:56-2:51, 9:9-15:43, figs 1-17), storing said game transaction information according to one or

more game data categories wherein the game data categories are selected from the group

consisting of game version data, game data, gaming terminal data, player data, route data and

venue data (abstract, 1:56-2:51, 9:9-15:43, figs 1-17; implicit, requirement for tracking credit or

game play activity), prior to storing said game transaction information, performing one or more

operations on said game transaction information (abstract, 1:56-2:51, 9:9-15:43, figs 1-17;

general accounting of transactions), checking a list of update triggers of update day, update

week, a game event, a game performance event and a player input (abstract, 1:56-2:51, 9:9-

15:43, figs 1-17), further in a gaming machine (ref 10), a method of updating game software

components (fig 1-2), the method comprising generating a game play on the gaming machine

using a first combination of game software components, said first combination of software

components including first game graphics, first game sounds and game system components

(abstract, 1:56-2:51, 9:9-15:43, figs 1-17), establishing communications with a remote server

(figs 17), receiving game software components from said remote server including second game

graphics and second game sounds (abstract, 1:56-2:51, 9:9-15:43, figs 1-17), unbundling said

one or more game software components (abstract, 1:56-2:51, 9:9-15:43, figs 1-17; as evidence

only under MPEP 2131.01 see Internet Basics: 'How information travels online', 'What happens

when you go online', 'Making the online connection' and 'How to download files'), generating a

second combination of game software components wherein said second combination of game

software components comprises game software components from said first combination

including game system components and the game software components received from said

remote server including the second game graphics and second game sounds (abstract, 1:56-2:51,

9:9-15:43, figs 1-17), and presenting a game play using the second combination of game

software components (abstract, 1:56-2:51, 9:9-15:43, figs 1-17). Essentially, the claimed

invention fails to preclude downloading of software components as taught by Joshi for updating

gaming terminal for thematic, seasonal, holiday or other societal event and/or sounds and/or

adjusting paytables.

Claim Rejections - 35 USC § 103

6.   This application currently names joint inventors. In considering patentability of the
claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various
claims was commonly owned at the time any inventions covered therein were made absent any
evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out
the inventor and invention dates of each claim that was not commonly owned at the time a later
invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)
and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7 .   Claims 23, 38-39, and 62 are rejected under 35 U.S.C. 103 (a) as being unpatentable over
Joshi in view of either Alderson (5019963) or Fawcett (5845077) or Halliwell (5473772). Joshi
discloses a download method and apparatus teaching claimed features/steps (supra) but lacks
storing game software component version information (clm 23), requesting game software game
component version information from the gaming machines (clm 38), receiving game software
component version information from the gaming machine (clm 39), and sending the game
software component information to remote server (clm 62). Configuration management of
software version is notoriously well known so as to ensure compliance with requirements as well
as to ensure knowledge regarding configuration/version of software being used. In related
references, Alderson (abstract), Fawcett (abstract), and Halliwell (abstract) each disclose a server
in network communication with a computer to update software based on a check by server from
version information of an application is received by server as sent from computer that the version
of the application requires updating that teaches/suggests providing version information of an
application to a remote server to check against a listing to determine whether a newer version

exists for remote file maintenance based on identifying an out of date version. Joshi teaches the

remote update of game software or game component software (sic) Joshi is relevant prior art

either for being in the field of applicant's endeavor or, for being reasonably pertinent to the

particular problem with which the applicant was concerned, in order to be relied upon as a basis

for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed.

Cir. 1992). The level of ordinary skill is as represented by cited references. Therefore, it would

have been obvious to an artisan at a time prior to the invention to apply the process of storing

game software component version information, requesting game software game component

version information from the gaming machines, receiving game software component version

information from the gaming machine, and sending the game software component information to

remote server as taught by either Alderson or Fawcett or Halliwell to improve the gaming

machine, or method of Joshi for the predictable result of providing automated configuration

control. Assignee admits configuration management or updating of software components of

gaming machine from remote server/terminal was known; as evidence see Wells 6805634 @

1:15-3:33.

8.   Claim 25 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Joshi in view of

either O'Conner (6178510) or Johnson (5923885). Joshi discloses features/steps of claimed

invention but lacks firewall where WAN is internet. In related references, O'Conner (abstract,

7:8-13) and Johnson (abstract, 5:63-6:5) each disclose network communication between remote

server and a computer for software distribution using a firewall for added security of network

resources. O'Conner and Johnson is each relevant prior art either for being in the field of

applicant's endeavor or, for being reasonably pertinent to the particular problem with which the

applicant was concerned, in order to be relied upon as a basis for rejection of the claimed

invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The level of

ordinary skill is as represented by cited references. Therefore, it would have been obvious to an

artisan at a time prior to the invention to apply the process of a firewall as taught by either

O'Conner or Johnson to improve the gaming machine and method of Joshi for the predictable

result of improved security of network.

9.   Claims 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joshi in

view of Wells 6805634). Joshi discloses features/steps of claimed invention (sic) but lacks prior

to sending the game software components, contacting a local ISP and sending the game software

components via the local ISP (clm 33), looking up an IP address of said one or more gaming

machines (clm 34), encapsulating said game software components in multiple information

packets (clm 35), encrypting said game software components (clm 36) and generating

instructions for configuring the game software components and sending said instructions with

said game software components (clm 37) at least since as best understood Joshi pertains to

updating software components over a LAN rather than over WAN such as internet. However, in

a related reference, as discussed above incorporated herein, Wells discloses a gaming machine

and method (abstract, 1:16-41, 1:48-67, 3:23-26, 30-33, 48-67, 4:8-21, 6:63-65, 10:54-11:4,

13:20, figs 1A-5) that provides updates of software components over a WAN such as internet

teaching prior to sending the game software components, contacting a local ISP and sending the

game software components via the local ISP, looking up an IP address of said one or more

gaming machines, encapsulating said game software components in multiple information packets

(refer to data blocks and bundling above), encrypting said game software components and

generating instructions for configuring the game software components and sending said instructions with said game software components. Wells is relevant prior art either for being in the field of applicant's endeavor or, for being reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The level of ordinary skill is as represented by cited references. Therefore, it would have been obvious to an artisan at a time prior to the invention to apply the process of prior to sending the game software components, contacting a local ISP and sending the game software components via the local ISP, looking up an IP address of said one or more gaming machines, encapsulating said game software components in multiple information packets (refer to data blocks and bundling above), encrypting said game software components and generating instructions for configuring the game software components and sending said instructions with said game software components as taught by Wells to improve the gaming machine and method of Joshi for the predictable result of providing remote secure updates over WAN.

10.   Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joshi in view of Fawcett (5845077) or Internet Basics. Joshi discloses features/steps of claimed invention (sic) but lacks prior to sending the game software components, contacting a local ISP and sending the game software components via the local ISP (clm 33) and looking up an IP address of said one or more gaming machines (clm 34) at least since Joshi appears to pertain to update software components over a LAN rather than over WAN such as internet. In a related reference, Fawcett discloses a gaming machine and method (abstract, 2:10-3:43, 5:29-6:49, figs 1-5) that provides updates of software components over a WAN such as internet teaching prior to

sending the game software components, contacting a local ISP and sending the game software

components via the local ISP, looking up an IP address of said one or more gaming machines,

encapsulating said game software components in multiple information packets (refer to data

blocks and bundling above). Likewise, Internet Basics discloses process for downloading over

internet ('How information travels online', 'What happens when you go online', 'Making the

online connection' and 'How to download files') that includes prior to sending the game software

components, contacting a local ISP and sending the game software components via the local ISP

and looking up an IP address of said one or more gaming machines. Fawcett and Internet Basics

is each relevant prior art either for being in the field of applicant's endeavor or, for being

reasonably pertinent to the particular problem with which the applicant was concerned, in order

to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977

F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The level of ordinary skill is as represented by

cited references. Therefore, it would have been obvious to an artisan at a time prior to the

invention to apply the process of prior to sending the game software components, contacting a

local ISP and sending the game software components via the local ISP and looking up an IP

address of said one or more gaming machines as taught by Fawcett or Internet Basics to improve

the gaming machine and method of Joshi for the predictable result of providing remote secure

updates over WAN.

11.   Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joshi in

view of Internet Basics, Schneier (5768382) and Wiltshire (6409602). Joshi discloses a method

comprising claimed steps/features (supra) but lacks encapsulating said game software

components in multiple information packets (clm 35), encrypting said game software

components (clm 36) and generating instructions for configuring the game software components

and sending said instructions with said game software components (clm 37) since Joshi appears

to pertain to a LAN rather than internet/WAN. In related references, Wiltshire discloses playing

and transparent modifications/upgrades via multiple threading to computer gaming programs and

associated paytables over internet/WAN (abstract, 2:22-3:36:7-7:56, figs 1A-9D); while,

Schneier discloses play of any network and encrypting to increase security (abstract, 3:66-4:20,

5:29-8:41, 11:25-12:5, 17:64-18:30). Communication over internet includes encapsulating into

packets and providing instruction includes providing instructional remarks, as evidence under

MPEP 2131.01 see Internet Basics ('How information travels online', 'What happens when you

go online', 'Making the online connection' and 'How to download files'). Internet Basics,

Schneier and Wiltshire is each relevant prior art either for being in the field of applicant's

endeavor or, for being reasonably pertinent to the particular problem with which the applicant

was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See

In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The level of ordinary skill is as

represented by cited references. Therefore, it would have been obvious to an artisan at a time

prior to the invention to apply the process of encapsulating said game software components in

multiple information packets, encrypting said game software components and generating

instructions for configuring the game software components and sending said instructions with

said game software components as suggested by Internet Basics, Schneier and Wiltshire to

improve the method of Joshi for the predictable result of secure transparent internet modification

and upgrades.

12.   Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Joshi in view of
Pease (5326104). Joshi discloses a method comprising claimed steps/features (supra) but lacks
prior to storing said game transaction information, determining access privileges for said game
transaction information. In a related reference, Pease discloses a method that entails setting
access rights (18:4-6, 58-63, 19:32-45, 21:15-22:3, 25:29-33,28:13-31:43). Pease is relevant
prior art either for being in the field of applicant's endeavor or, for being reasonably pertinent to
the particular problem with which the applicant was concerned, in order to be relied upon as a
basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443
(Fed. Cir. 1992). The level of ordinary skill is as represented by cited references. Therefore, it
would have been obvious to an artisan at a time prior to the invention to apply the process of
prior to storing said game transaction information, determining access privileges for said game
transaction information as taught by Pease to improve the process of Joshi for the predictable
result of improved security by access rights.

13.   Claims 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joshi in
view of Boushy (5761647). Joshi discloses a method comprising claimed steps/features (supra)
but lacks determining a data storage partition from among a plurality of data storage partitions
for storing said gaming transaction information wherein the plurality of data storage partitions
correspond to a plurality of gaming entities where the plurality of gaming entities is players such
as for player tracking for compensation in a loyalty program. However in a related reference,
Boushy discloses a data storage partition based on multiple affiliate casinos linked in a player
tracking promotion (2:5-3:30, figs 1-12). Boushy is relevant prior art either for being in the field
of applicant's endeavor or, for being reasonably pertinent to the particular problem with which

the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed

invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The level of

ordinary skill is as represented by cited references. Therefore, it would have been obvious to an

artisan at a time prior to the invention to apply the process of determining a data storage partition

from among a plurality of data storage partitions for storing said gaming transaction information

wherein the plurality of data storage partitions correspond to a plurality of gaming entities where

the plurality of gaming entities is players such as for player tracking for compensation in a

loyalty program as taught by Boushy to improve the method of Joshi for the predictable result of

partitioning based upon affiliated gaming entities.

Response to Arguments

14.   Applicant's arguments filed 12/11/08 and 2/17/09 have been fully considered but they are

not persuasive. In response to Applicant/Counsel remark on page 8 regarding claims 19 and 61

that Wells lacks steps relating to first/second graphics, first/second sounds and game system

components, the Office disagrees and notes the remark is not well taken since Wells teaches, as

noted in evidence in holding above as incorporated herein, to replace or supplement the software

in a gaming device to add new features, implement nee games and/or to correct programming

errors that in light of revising theme of a gaming device for another casino/affiliated entity,

clearly includes such alteration of game graphics and sounds.

The Office disagrees with Applicant/Counsel remark also on page 8 that Pease lacks

claimed invention including the amended function relating to first/second graphics, first/second

sounds and game system components at least since it is same structure performing same function

for same purpose where peripheral or other computing device in Pease (1:11-40, 2:13-17, 2:30-

3:7) includes display/graphics processor and/or sound processor; however, the Office has dropped the holding merely to reduce issues pending, but may later decide to reapply Pease.

In reply to Applicant/Counsel argument on page 9 regarding claim 32 that Wells lacks steps to in enable a second game based in part on performance data of first game, the Office disagrees since Wells teaches, as noted in evidence in holding above as incorporated herein, monitoring use and performance of each gaming machine so as to reprogram terminals to accommodate new games, new regulatory changes correct bugs or other programming errors install new features and the like that when taken in consideration of casinos update or replace games that use data show is not being played to warrant being maintained since a non-productive or under-used game on a casino floor is lost opportunity revenue for the profit oriented business. Also, correcting a programming error including bugs is performance of the game as claimed where the second game is corrected version of first game at least since there is no claimed requirement that the first and second game differ in any particular function of game play or type.

The Office disagrees with Applicant/Counsel remark also on page 9 that Pease lacks claimed invention including the amended function relating to performance of game and in essence enabling play of a second game at least since Pease discusses to reprogram computing devices to accommodate new games, regulatory changes, correct bugs or other programming errors, install new features and includes monitoring use/performance of each game (6:1-15); however, the Office has dropped the holding merely to reduce issues pending.

15.   Applicant's arguments with respect to claims 19-50 and 61-66 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

17.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

18.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

19.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to M. Sager whose telephone number is 571-272-4454. The

examiner can normally be reached on T-F, 0700-1730 hours.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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